

MINUTES OF THE REGULAR MEETING OF THE STR ADVISORY COMMITTEE
WEDNESDAY, SEPTEMBER 11, 2019 AT TRINIDAD TOWN HALL, 409 TRINITY STREET

I. CALL TO ORDER/ROLL CALL (4:38 pm)

Committee Members Present: Bruce, Nash-Hunt, Lake
Committee/Alternate Members Absent: Moran, Cox
City Staff: Zetter

II. ITEMS FROM THE FLOOR

Committee Chair Bruce stated he may not be able to attend the October 22nd meeting, thus choosing an alternate chairman should be discussed. Planning Commissioner Lake stated that the Committee cannot discuss an alternate because it was not included in the original agenda posted. Lake further stated the agenda for this meeting was not posted correctly, and if staff continues to amend and tweak agendas it puts the City at risk. Zetter, City staff, explained that the amended agenda posted on Monday, was in line with the Brown Act because it is technically a special meeting, thus the agenda only needs to be posted 24 hours before the meeting. Thus, the amended agenda was legitimate. However, per the City Manager due to a complaint, the Committee is to proceed with the original agenda. Thereby, the agenda item, "Designate an alternate Chairperson should the STR Chairperson be unable to attend a committee meeting," has been struck from the agenda.

Lake stated the City Manager is supposed to be a part of the meeting, and requested her comment be on record. She advised that the City has adjusted the City Council meetings to fit his schedule, and the Committee's resolution stated that he is required to be present. Both Bruce and Nash-Hunt read the resolution and could not find where it states that his presence is mandatory.

III. APPROVAL OF MINUTES

June 17, 2019

Motion (Nash-Hunt/Lake) to approve the June 17, 2019 minutes, as amended. (Passed 3-0).

August 07, 2019

Motion (Nash-Hunt/Lake) to revise the August 07, 2019 minutes as submitted. Passed (3-0).

Updates:

Updated "Amend Minutes...public comments of Adam Grau..." to Alan.

Agenda Item IV.1 has been updated as following:

"Discussion regarding last 2 years of documented complaints plus undocumented complaints. Complaints at city hall are filed in a complaint book and in the individual STR property file. *Some complaints within the 2-year time frame do not appear in the City files, but were brought up in discussion.* Fines for violations *have been* issued by the property manager with a maximum of \$1,000.00. *Per the ordinance*, fines usually start at \$200 per day. Significant violations should be responded to within 30 minutes by property manager, *but there is not evidence that the City has ever issued a fine.* Enforcement of the STR ordinance is a concern. Fair and reasonable, usually lacking teeth, and possible lawsuit as a result. Better defined complaint process suggests, i.e. flow charts. Suggestion for fillable forms online and update the complaint process timeline. Signed affidavit and photo evidence, *as provided for in the ordinance have resulted in some litigation threats prior to resolution.* Some people not making complaints as a result."

The motion of Agenda Item IV.1 has been updated as following:

Motion: Compliance and enforcement of the STR ordinance is key, ordinance not being enforced, and City needs to come up with enforcement process *and recommend the City make clear and provide an updated complaint process.* (motion by Dick, 2nd by Kathleen, motion passed 5-0).

Added a motion to extend the meeting an additional 15 minutes, was added after Agenda Item IV.2.

“Motion was made/seconded/approved to extend the meeting by 15 minutes.”

Added public comment before the motion to schedule the next meeting.

Public comment received from Daryl and Tina Freeland in regards to the lack of timely response, as per the ordinance, by property managers, and the City not enforcing the ordinance.

It was noted after the minutes were revised, that there was a lot of information that was missing, and specifics that are helpful were not included. It was requested to make this an agenda item.

IV. AGENDA ITEMS

1. Designate an alternate Chairperson should the STR Chairperson be unable to attend a committee meeting.

Struck from the Agenda.

2. Discussion on how to proceed with recommendations to the City Council on findings of the committee.

Bruce stated he requested this item be agendized, because with the relatively short timeframe the Committee has a substantial amount of work to accomplish. He opined that in order to provide the City Council with an annual report, the outcome of each meeting should have a recommendation. He stated when the Committee composes their annual report to the Council, all concerns should be flushed out. Lake agreed and advised it is a wonderful first step. She voiced that she has been frustrated, because things have been gridlocked. She further stated that the Committee's updates, should be referenced in the City Manager's staff activities report. Bruce stated he advised the City Manager to not include the STR Committee's recommendations on the City Council agenda, as their recommendations will be presented at the end of the year. Lake advised she does not want to present an annual report to the City Council, without the STR Committee being mentioned in the staff report throughout the the remaining months. She advised she is suggesting the staff report reference what has occurred in the STR meetings. Bruce stated it is up to the City Council, and he doesn't want the Committee to get bogged down trying to change the City's processes. He reaffirmed, again, he is suggesting the Committee come out of the meeting with a recommendation, which will be included in the annual report.

Lake stated the City Council should be updated on what is occurring at the STR Committee meetings in the same way they are debriefed on Planning Commission meetings, as the Planning Commission and STR Committee are both advisory committees. Bruce provided a rebuttal, advising that the Planning Commission and STR Committee are not the same thing, as the Planning Commission is a governing body that makes decisions, not recommendations. Lake opined the Planning Commission is an advisory committee. Both Nash-Hunt and Bruce clarified that the Committee's goal is to develop an annual report, which includes documented recommendations. Lake opined that waiting to have a final report will only delay the problem, so the City Council and public need to be aware of what is occurring with the short-term rentals. Nash-Hunt advised it would be fine to include a small section in the staff report regarding the Committee. Nash-Hunt agreed that it is good to inform the public. Bruce redirected the conversation, as what is being discussed is not the agenda item. He advised the agenda item is about how to proceed with recommendations, not about including information in the staff report. However, he did advise that if the Committee wants, he will consult with the City Manager and discuss their yearning to be included in the

staff report. Bruce questioned if the Committee wants him to call the City Manager, and if so if a formal motion needs to be made. Lake confirmed she wants him to reach out to the City Manager. No formal motion was made, and it was agreed on by acclamation by the three Committee members present.

Nash-Hunt advised that Bruce's recommendation to develop at least one recommendation at the end of each meeting is a great idea. Bruce reiterated that what he is suggesting is at each meeting the Committee motions a recommendation, that will then be included in the annual report to the City Council. Lake suggested that if the Committee had an end date, the Committee would be able to confirm what they would like to cover by the time they compose the annual report.

Lake referenced an email sent by Committee member Cox, who stated in her email that at the first meeting it was agreed upon not to have a Vice Chair. Furthermore, at the first meeting it was agreed upon that all future agenda items would be discussed at each meeting. Lake suggested that if the Committee wants a new agreement it needs to be written down.

The Committee agreed on building content for the annual report, by coming out with a recommendation at the end of each meeting, and come up with an item to be discussed upon at the next meeting. The agreement was made by acclamation.

As Cox mentioned in her email, Bruce reminded the Committee that it was an organizational meeting. This organizational meeting included the discussion of the ordinance, and each member brought up a topic that was important to them to discuss. Lake opined it was not an organizational meeting, as it was properly posted. She further mentioned the Trails Committee doesn't have a resolution, but they are a bona fide committee. Nash-Hunt redirected the conversation, stating the Committee is getting into details that they don't need to get into, as they are aware that there are specific issues that need to be addressed. Lake advised that it is necessary to document that the Committee had a brainstorming meeting, what came out of the meeting, and that they discussed on how to proceed with each meeting. Nash-Hunt stated it is important to recognize the Committee has gotten more specific, since the first meeting. Bruce suggested that it be documented that a public meeting was held in January, authorized by the Council, and that it was used as a brainstorming meeting. Bruce further made note that a resolution wasn't passed authorizing the Committee to proceed until after January 2019. Lake mentioned that other advisory committees do not have resolutions. Bruce questioned whether the other committees are chartered to provide an annual report, and intend to present to the Council. Lake confirmed other committees do present to the Council.

Lake questioned what is topic for this meeting. Nash-Hunt confirmed the Committee is discussing on how to proceed with the recommendations. Bruce stated the Committee's motions need to be something of relevance, as they will be brought to the Council. He confirmed that the Committee is going to discuss a fee analysis. Lake mentioned the October meeting, which is scheduled as a joint meeting with the City Council. Bruce advised that he does not know what the reason is for the joint meeting with the City Council.

Motion (Nash-Hunt/Lake) to cancel the meeting on October 22, 2019 with the City Council, and suggest that we meet separately as the STR Committee (Passed 3-0).

Bruce questioned whether it is appropriate to send out a request for possible agenda items for the next meeting to all Committee members. Lake advised to send the email to the City Manager first, and request it be distributed.

3. Discussion regarding the current number of permits, application fee, and fee analysis (staff time spent on STR).

Bruce referred to the Cost of Implementing STR Permit Memo provided by the City Manager and City Clerk. Lake opined the fee analysis memo is missing the STR Committee meetings, complaints, and enforcement aspects. She further stated the City Planner and Grant Administrator should be included. In regards to the information on the memo stating, "A straight-forward, complete renewal application process, based on 33 permits, should cost the City in labor approximately \$150..." Bruce indicated there is no way the City will be able to provide a definite amount, until the City documents every minute a staff person works on the permit. Bruce suggested that a cover sheet be added to the permit application, which would be used for documentation when any staff member is working on the permit. Bruce further explained that the time sheet would be attached to the front of the application and each staff member who is involved with the application, will date and initial time spent in quarter hour increments. After this is done, the City will be able to do a cost analysis. The City will then be able to evaluate how long it takes to process a permit and the actual cost. Bruce suggested the flat rate remain the same, but if the list price goes over the \$300 flat rate, then the owner pay the additional amount. Both Lake and Nash-Hunt agreed with his suggestion. Bruce further suggested the extra money can be used for other STR expenses. Nash-Hunt suggested the application include a cover letter where the owner/property manager can sign advising that no changes have been made. Furthermore, Nash-Hunt advised paperwork that has not changed should be kept by the City, which will cut down on the amount of information that has to be submitted/reviewed. Nash-Hunt further agreed that an extra cost is fair. Lake advised some documents that have been submitted are not complete and yet are being accepted, so the enforcement is lacking. Lake opined that if something hasn't changed, the owners need to sign a document. The Committee agreed that they would like Bruce to propose a cover letter for the time/fees.

Bruce redirected the conversation to discuss the budget document the City Clerk and City Manager provided, before making a motion. Bruce pointed out that the second largest revenue maker is the T.O.T. He stated he had asked the City Clerk how much T.O.T. revenue was brought in from STRs. Bruce indicated that the City Clerk advised that all of the T.O.T. comes from the STRs, except for the Bed and Breakfast. Bruce noted that this information is an indicator that the STRs are providing a substantial amount of revenue for the City, thus a percentage of the revenue can potentially be used for enforcement. He suggested revenue be used for enforcement, because it is the biggest issue that will be presented to the Council. He noted it will probably lead to more staff time. Lake opined revenue is not worth the problems the STRs are causing. She further stated she would never support adding more staff, and until the City has the STR enforcement tightened up, the City must look at the overall impacts. Nash-Hunt stated that the City is not finding solutions, as the City does not have the time. Lake mentioned residents have filed complaints. Nash-Hunt opined that a lot of the complaints are hearsay and can be dramatic.

Motion (Lake/Nash-Hunt) to extended meeting an additional 10 minutes (Passed 3-0)

Bruce confirmed the Committee is in favor of a cover sheet for a fee analysis.

Lake requested that all mailings for STR point of contacts include the zoning information. Furthermore, she stated she wants information regarding the permit caps, and wants a comparison of where the City is in regards with the amount of permits verses last year. She opined the STR Committee/public need the complaint response time information.

Lake stated the City needs to include complaints in the individual STR files. Bruce indicated this would not be included as a part of the cost of the permit, but instead will only keep track of the history of the STR. This will allow the City to review how much the STR itself costs the City on an annual basis.

Motion (Bruce/Nash-Hunt) suggest a staff timesheet be attached to the front of the application and each staff member who is involved with the application, date and initial time spent in one quarter hour increments, and have a second sheet to record additional staff time, complaints, enforcement, etc. in one quarter hour increments (Passed 3-0).

Motion (Lake/Nash-Hunt) the City implement a cost analysis to include staff time spent on updating STR mailing contact information, and a cost analysis for the STR Committee (Passed 3-0).

V. Request for Future Items

Motion (Nash-Hunt/Lake) to meet on October 22nd at 10:00 am.

VI. Adjournment

Motion (Nash-Hunt/Lake) meeting to adjourn.

Meeting adjourned at 8:00 pm. Next meeting scheduled for 10:00 am on October 22, 2019.

Submitted by:

Approved by:

Angela Zetter
Administrative Assistant



Dick Bruce
STR Committee Chair